

AMUSEMENTS.

NATIONAL THEATRE.
Last Appearance of the
EMMA ABBOTT
GRAND ENGLISH OPERA COMPANY.
To-night at 8, Grand Triple Bill.
THE TWO CAVALIERS.
The Tower Scene from TROVATORE,
and Mad Scene from LUCIA.

Monday, Nov. 7.
The World's Greatest Prestidigitator,
HERRMANN.
Assisted by MIELE ADDIE and his European
Specialty Company.

THE OPERA HOUSE. THE TOURISTS.
Peals of Laughter. Two and a-half hours of fun.

TO-NIGHT, Last Appearance of
JOHN P. SMITH and W. A. MESTAYER'S
World-Famed Comedy and Musical Company, the
TOURISTS
IN A PULLMAN PALACE CAR.

Unrivaled Speed, Peals of Fun on board without
extra charge; no increase of rates through in-
crease of a half hour.

Selections from the operas of MIGNON, OLI-
VETTE, THE TWO CAVALIERS, and
IL TROVATORE.

THEATRE COMIQUE.
Monday, October 23, Nightly and Tuesday and
Friday Matinees.
Another New Opera of Specialty Artists.
Maggio and Allen, the men of nerve, Allen and
Mills, Dolan and Lynch, Maynard Brown, Lew
Barber, Lewin and Paul, Lida Wenzel, Matt
Blackley, Edna Blackley, George Kane, and all
the great vocalists in the house will perform
their parts on the specialty stage, and must be
seen to be believed. A Wonderful Programme. See it.

BRUNN'S SUMMER GARDEN.
Grand Concert To-Night by
THE TRIUMPHAL LADIES' ORCHESTRA.
ADMISSION, 10 CENTS.
Change of Programme Every Evening. 4027

GROCERIES.

VAN BIEL'S
RYE AND ROCK
THE ORIGINAL AND BEST
Van Biel's Rye and Rock
IS PRONOUNCED THE
GREAT NATIONAL REMEDY
FOR
Coughs, Colds & Consumption
TRADE SUPPLIED BY
B. W. REED'S SONS
1215 F Street Northwest.

All-Wheat Flour,
All-Wheat Flour,
Just Received Direct from the Mill.
Families and the Trade Supplied
Elphonzo Youngs,
GROGER,
WHOLESALE AGENT,
504 9TH ST. BET. D AND E N. W.

FRENCH GOODS.
PETITE NOIR—Fine and Extra Fine.
CHAMPAGNE—EXTRA FINE.
JUST RECEIVED.
N. W. BURCHILL,
1225 F STREET.
REOPENED.

The Old Reliable Grocery Store,
COR. SEVENTH AND I STS. N. W.
With a Fine Assortment of
FAMILY GROCERIES, TEAS, WINES,
LOW PRICES, PROMPT ATTENTION, GOODS
DELIVERED PROMPTLY.
R. IRVING BOWIE.
FINEST QUALITY PRINT BUTTER.
FULL WEIGHT AT
McCAULEY & BELLWIG'S,
809 PENNSYLVANIA AVENUE.
Dellwig & McCauley's, cor. 2d and O n. e.
WHOLESALE.

BAUM'S,
No. 416 SEVENTH STREET.
GO! GO! GO!
Save 35 Per Cent. on
Ladies' and Misses' Cloaks, Ulsters, Blank-
ets, Flannels, &c., &c.

GO TO
736 and 714 SEVENTH ST.
For Reliable Dry and Fancy Goods,
AT LOWEST MANUFACTURING PRICES.
And Don't Forget the Numbers, if you please.
WE MEAN BUSINESS.

A GOOD INVESTMENT.
POMONA DISTRICT, ARIZONA, is now
the leading silver-producing mining camp of the
southwest. The ore is all free milling and of high
grade, and with the development that has been
attained in the past two years is now yielding a
million output of over \$600,000 per month, giving
handsome returns to both dividend and enhanced
value of stock to fortunate holders. The attention
of the public is called to the stock of the "New
Consolidated Mining Co., in this district, as one of
the safest and best investments that can be made.
Stock with a par value of \$10 per share is now offer-
ed in limited quantity, for development of the
mines, at \$1 per share, guaranteed against depre-
ciation. Send for circular and any other information
desired to

T. R. SORIN,
Secretary Mesa Consolidated Mining Company,
Tombstone, Cochise County, Arizona. 1010

J. S. SWORMSTEDT,
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HOUSES FOR SALE, LOTS FOR SALE,
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FIRE INSURANCE Placed in Best Insurance
Companies. General Agent for the Charter Oak Life Insur-
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plans of insurance. 1022

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Houses and Lots Wanted for Purchase.
FIRE INSURANCE Placed in Best Insurance
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ance Company. New rates and new and desirable
plans of insurance. 1022

Second Edition.

4:00 P. M.

THE DEPARTMENTS.

THE TALLPOPS arrived at Philadelphia this morning.

GOVERNMENT RECEIPTS TO-DAY: Internal revenue, \$481,001.20; customs, \$919,709.20.

MAJOR GEO. LOCKWOOD, Chief Clerk of the Interior Department, has gone to New York to vote.

TO-DAY Mr. John W. Hoover was commissioned postmaster for Queens, Upham County, W. Va.

THURSDAY, the 24th instant, will be set apart by the President as a day of National Thanksgiving and prayer.

This resignation of Hon. John W. Foster, Minister of the United States to Russia, has been accepted by Secretary Blaine in the name of the President.

SECRETARY WISDOM has returned from New York and was at the Department to-day. Secretary Folger will formally enter upon his duties on the 14th instant.

MR. HENRY WASHINGTON, of class No. 1, \$1,000 per annum, of the Fifth Auditor's office of the Treasury Department, has been assigned to the Sixth Auditor's office.

THE receipts of National Bank notes for redemption during the past week were \$1,272,000 as against \$713,000 for the corresponding week of 1880. To-day's receipts were \$134,000.

REAR ADMIRAL NICHOLS, acting Secretary of the Navy, has issued orders regarding the use of the elevator in that Department, which ignore, entirely the rights of the outside public.

THIRD ASSISTANT POSTMASTER-GENERAL HAZEN left for Pennsylvania to-day to vote. This leaves the Post-office Department without a head, Messrs. Hutton, Elmer, Hazen and Van Worman being absent.

HOME FROM THE ARCTIC—Commander Weddell, commanding the Alliance, reports his arrival at Halifax, N. S., on the 1st instant, fifteen days from Reikjavik, and that after making necessary repairs he will set sail for New York.

THIRD AUDITOR KREIGHTLIH, in his annual report, earnestly recommends the enactment of a statute of limitation fixing the time within which claims against the United States may be presented to the Executive Departments.

UNITED STATES BONDS held by the Treasurer to secure national bank circulation, \$20,000,000, bonds held to secure public money, \$15,000,000, bonds deposited during the past week to secure circulation, \$1,005,000, bonds withdrawn to secure circulation, \$1,114,000.

CONGRESSMAN JONAS M. MCGOWAN, third district of Michigan, was at the Capitol to-day. Mr. McGowan, in answer to the question as to whom the Michigan members would likely support for Speaker, said that they had two candidates—Messrs. Burrows and Hubble—who would divide the vote of Michigan.

AMONG the visitors at the White House yesterday was Mr. J. C. Crutcher, of Philadelphia, who will be remembered by our older inhabitants as the man who, in 1861, introduced the first lighting of the Capitol with gas, and who also introduced gas into the White House for the first time at his own expense during President Monroe's administration.

IT MAY BE of interest to some to learn that acting Vice-President of the United States, Judge Davis, owing to the illness of Senator and chosen President pro tem, from that body, receives part of his salary at the Treasury, and part is paid by the Secretary of the Senate. His pay as Senator, \$5,000, is paid by the Secretary, the balance, \$3,000, at the Treasury.

DEATH OF A NAVAL OFFICER.—The Navy Department has been informed of the death of Lieut.-Commander W. H. Wright, which occurred at Key West, Fla., at 8:45 this morning. Deceased was a native of Ohio, and entered the service in 1860. At the time of his death he was light-house inspector at Key West, where he has served since June, 1880.

NAVAL ORDERS.—Lieut. W. C. Strong to the Signal Office. The Assistant Engineer J. P. Mickle to the League Island Navy-yard. Cadet Engineer G. H. Bull to the Foremast. Midshipman W. L. Todd to the Foremast. Midshipman W. L. Todd to the Foremast. Midshipman W. L. Todd to the Foremast.

REPAIRING.—Trunks, Bags and Harness repaired promptly and thoroughly at low rates by first-class workmen. 1020

W. M. BENTWIS'S PHARMACY, Corner Twelfth Street and Pennsylvania Avenue. PURE DRUGS AND CHEMICALS. 1024

DIAMOND-POINTED MACHINERY, the most durable, simply constructed and best invented tool for the trade, sold by Geo. H. Herrick, agent, 225 F st. n. w. 1026

IF YOU WANT NEWEST MODELS, Broad by "OUR NEW SOUTH" sure to please. For sale by all first-class Grocers, and by W. H. TENNEY & SONS, Dealers in Flour, Feed, Corn, Oats, Hay, Straw, &c., at 1010 Washington, D. C. 1027

"LA PRINCESSE" In the name of our new It is the best cigar yet made. The money. SICKLE'S CALIFORNIA CIGAR STORE, No. 1011 Penna. Ave. bet. Tenth and Eleventh sts. 1028

LETTERS WRITTEN ON ANY SUB-ject, such as love, friendship, etc., and all other subjects, prepared at short notice. All letters confidential. Mrs. M. A. Lachman, 413 12th st. n. w. 1029

WILSON'S PATENT TABLETS and all other goods, at 15 cents. Special rates to trade, hospital, army, and navy. Apply to Druggists, or 331 A Street n. w. 1030

STOVES, FURNACES, RANGES, &c., in plates, sheet iron, fireplaces, ranges, furnaces, etc. The roofing, spouting, and all kinds of iron work promptly attended to. Send your order to 819 Eleventh st. n. w., near F st. 1031

DR. ISAAC NICHOLS, of CO. AMERI-can Cavalry, has been promoted to the rank of Major, and is now at the Department of the Interior, where he will receive an increase of \$400 over \$1,700 per annum. He is now at the Department of the Interior, where he will receive an increase of \$400 over \$1,700 per annum. 1032

IF YOU WOULD AVOID CHILLS AND Fevers, Ague and Fevers, Bilious Fevers and other diseases incident to the season, take BROWN'S BITTERS and you will surely be cured. 1033

BROWN'S BITTERS have been in use for over twelve years, and no person was ever known to have chills or bilious fevers while using these Bitters. For sale by druggists and grocers every-where. 1034

BROWN & MIDDLETON, PROPRIETORS AND MANUFACTURERS, 610 Pennsylvania Avenue. 1035

STRONG ARGUMENTS

AGAINST GIBSON'S INFORMATION.

Col. Ingersoll and Col. Chandler's Remarks To-day—Unanswerable Arguments—The Information the Outcome of Ignorance—Reasons Why the Court Cannot Sustain It—Speeches Worth Reading.

Yesterday, after our report closed, Mr. Ingersoll commenced his argument and said that he should first call the Court's attention to the question of probable cause, as that was the first and most important matter in the case. What did the information prove against his client, Mr. S. P. Brown? The information did not prove in the court in the name of the Attorney-General.

He found that the paper was filed, signed by the District Attorney in partnership with other parties. If the District Attorney possessed any power under the law to file the information, he very much doubted if he could delegate it or associate it with others. The first count in the information set forth that the parties named did conspire and confederate together to defraud the Government out of a large sum of money by contracting to expedite the mails upon certain routes. The first thing that had to be done was to find out how the mails had to be carried. These circumstances must be set forth. The facts must be laid before the court and the judge decide whether they were unlawful or not. The result of the country was violated.

A Privilege to the People. The miner of the West was as much entitled to his one mail a week as the gentleman from New York (Mr. Bliss) for distributions per day. He was led to make this remark for the purpose of answering the question of expediency in carrying the mail. While the Assistant Postmaster-General had the lawful power to do the work that was done, it was claimed that he did it for an unlawful purpose. He did not think that in the first count of the information they should not only set forth that he did this act, but how he did it. Then, if sworn to, it became part of the probable cause.

Suppose Thomas J. Brady had expedited a route from three to five miles an hour. Suppose that somebody did not know that was for the public good. Suppose that all the facts were presented to the court, and it should decide that it was for the public good. Could Mr. Brady then be indicted and tried?

They further charged that Mr. Brady had no right to increase the service unless the expedition was shown to be necessary. The mails were expedited by the carrying of the mails was increased. That was proper enough, but the information failed to show what was used in the original contract, and how were they to know whether there was an increase or not and the contract had been violated?

These circumstances should have been set forth in the information. It was further charged that it had been falsely represented to French and Turner that this expedition was authorized by the Postmaster-General, but before that the information set forth that they had conspired to do this very thing. Going along, it was claimed that these three parties conspired with McDonough, who he obtained a contract, and later by the same conspiracy, it was taken from him.

What Greater Absurdity Than This could be imagined. Yet this was not sufficient. They set forth that McDonough conspired against his sureties. It was not sufficient to conspire against himself, but he must conspire against his sureties. Next they found that the contract was taken from McDonough and given to Walsh. The latter was not a conspirator, but a witness. On page 12 was the first time they heard of the contract. He appeared in the expedition of the contract.

The next charge was that Mr. French acted as Assistant Postmaster-General in the absence of Mr. Brady, and caused these things to be carried out and work to be done. He admitted that he had been in the power to do these things. What, then, did they want with Brown? What part did he play in the conspiracy? Was he in this whole of fraud? They might find out in the second count. Here it was found that about one year after the conspiracy was created that he had an interview with French, and used his influence to increase the contract. Did they not know enough to know that this was an absurdity? After a conspiracy had existed for one year between Brady, French and Turner they had to go to Brown to get him to influence Brady.

Brown was to get \$12,000 for this influence. He did not believe that anyone within the sound of his voice would doubt, so he put it down as a conspiracy, that it would be easier and cheaper to go to Brady and pay him the \$12,000. When a thing like this was charged and he knew that it was in opposition to human nature, he knew Full Well That It Was Untrue.

They charged that Brown went to New York, and by the use of letters and papers induced Brady to grant this expedition. What were these letters and papers? Did the pleader show? Not a bit of it; but said that they were used to corrupt the Assistant Postmaster-General. These papers were the petitions of judges, merchant and other exemplary citizens living along the line of these routes.

Asking for an Increase of the Mail Facilities. If the Court had seen papers, would they not work some bearing upon his mind in deciding whether the Assistant Postmaster-General acted corruptly in granting the expedition petitioned for? It would show to what extent there was corruption. The time had come in this country, and never would, when, in a case like this, the Attorney-General could stand between the citizen and his right before the grand jury. Brown acted in the capacity of a lawyer and McDonough was his client. What was his duty to his client? If, as charged, he knew that this expedition was not necessary, what if? He had a duty to perform and any lawyer that turned his back on his client, no matter if he knew him to be guilty, was unworthy being a member of the legal profession.

At this point an adjournment was taken until this morning.

To-day's Proceedings. The improved weather added to the number of the crowd in the Criminal Court this morning. Col. Ingersoll, Col. Chandler, Gen. Billy Cook arrived at about the same time. Mr. Jeff Chandler was at their heels, but none of these legal lights appeared to attract special attention, the spectators serving their attention for Col. Robert G. Ingersoll, who was to continue his argument.

The distinguished lawyer arrived at sharp 10 o'clock, armed with several volumes of his "authorities." His roll of manuscript, with his heavy overcoat buttoned to his chin. His entrance was greeted with a hush, and he nodded and smiled on all sides, finally reaching his table and seating himself. He held a whispered consultation with Billy Cook. Every seat in the court was filled early, the prisoners' dock being occupied by quite an array of legal talent. Without the bar a crowd was gathered, the Col. Ingersoll took a seat near Mr. Cook, and talked across him to Col. Ingersoll. The three were apparently having an amusing conversation when Judge Cox, Mr. Brewster and Col. Cockfield arrived, and the court was called to order.

Col. Ingersoll's Remarks. At ten minutes past 10 o'clock Col. Ingersoll unfolded his manuscript, remarking: "I wonder where I left off."

"You turned the page down yourself," remarked Mr. Brewster, "and ought to have found it."

Having found his place, Col. Ingersoll, after a steady glance at a very handsomely dressed lady who entered the bar at that time, resumed his argument. The second count, he said, was in the purpose of the conspiracy Gen. Brady issued an order declaring McDonough a failing contractor and then gave the contract to Kirk & Gleason, the streetcar. Subsequently they were called failing contractors and the contract was given to Walsh.

It was observed that McDonough had conspired to get a contract and then conspired to have himself declared a failing contractor. It was equally absurd to say that Brown conspired with McDonough, or that they conspired at the latter's instance to have the contract taken from him. Nothing more inconsistent could be stated.

We are not on trial for raising money to corrupt Congress. That has nothing to do with it, and ought just as well have been left out of the charge. Mr. Brown's name is not in the second count. The whole matter boiled down is simply that Brown used his influence in favor of McDonough.

There is not a suspicion of his attempting to use money to influence Congress. In fact, there is no information whatever in the counts, and that is where the defense objected to the filing of the information. Col. Bliss had practically confessed that.

Nothing in the First and Second Counts. Taking up the third count in which Brown and Brady are charged with conspiring to transfer McDonough's contract to Walsh, by declaring the former insolvent, Col. Ingersoll asked who was to be a judge in such a matter. The alleged facts had not been proven before a jury. He did not think that it was justice that the law should thus be perverted.

It is impossible to say whether there is a conspiracy, unless the acts of each conspirator are divulged by proving the conspiracy. The accused are entitled to a special charge of the crime with which they are accused in order that they may know under what method to plead. The information should set forth the entire scheme of the conspiracy. He cited a number of cases and authorities to strengthen this argument.

The Acts of Gen. Brady were Lawful within the scope of his authority, if such an information was to be allowed to stand. To make his conduct fraudulent the acts must be specified in the information. Having shown what he considered the Government ought to do in this case, the speaker took up the several affidavits and criticized them sharply, showing them to be inconsistent and contradictory.

The Facts of James. It was not such evidence as would be admissible to go before any jury. He stated that he has employed people to work up these cases, but he does not produce his witnesses. He has proceeded simply on hearsay. Mr. Ingersoll had high regard for James as Postmaster-General, but it was not strengthened when Mr. James swears to what he knows.

Nothing About. He characterized James' affidavit as a mass of absurd ignorance, adding, "That is all it amounts to."

When it was desired to deprive a man of his liberty, or to brand him as a felon, it was first necessary to have facts for a foundation, and not

The Result of Ignorance and Malice. Col. Ingersoll read some time to the Maxwell case, of which so much has been said, in which connection he paid his respects to Col. Bliss, who yesterday quoted an alleged opinion of Judge Dillon in New York, in which was based the filing of the present information.

He said that if Judge Dillon was guilty of such an opinion he was unworthy of the trust held by himself, and the crime should be torn from his shoulders. It was the criminal act of which so much has been said, under which his client was being proceeded against was a child of the State of New York, and suggested by a man used to that infamous practice. It may be that there was so

Little Regard for the Truth in the New York Courts. That this practice was the regular one. This mode of procedure of issuing warrants on information and belief was an insult. All the information and belief in the world would not establish probable cause, which was the proper basis for action in this case. The gentlemen, he repeated, probably drifted into the idea of proceeding against the State in this case without oath or affirmation. It was the

Infamous Star-chamber Proceedings. In England that made this system become an odious one, and it was proceeded against without oath or affirmation, to suit the whim, caprice or malice of a king's officer or his attorney-general; and the day that marked the abolition of this practice marked the dawning of England's manhood. It was the supreme duty of every nation to preserve the rights of its people.

Returning to the argument delivered by Col. Bliss yesterday, Col. Ingersoll treated the court and spectators with some bright flashes of wit, tempered with stinging sarcasm, creating much merriment.

"It appears," said Col. Ingersoll, reading from Bliss' argument, "that one important fact which you are invited by Mr. Bliss to consider is this: That if the Court has any doubt in this case the best way to avoid complications would be to proceed with the case." Here the speaker laughed, then proceeding, said: "I venture the assertion that that remark was entirely original with my Brother Bliss; that it was never uttered in any legal instrument or in any civilized court in the world."

In order to establish the absurdity of this assertion, Col. Ingersoll related the story of a man who was arrested without cause and carried before a magistrate and fined \$1 and costs. Upon a protest being raised as to such procedure, the magistrate explained his position that if he had not fined the man, there was no use of his having been arrested. "And this, your Honor," he said, "is the same theory as that on which the Government's representative proposes to proceed. If you are in doubt, take the fine, and that is all there is about it. But all the law in the civilized world tells your Honor to set the other way, giving the benefit of the doubt to the defendant."

Dropping manuscript and book,

Col. Ingersoll Then Proceeded Eloquently

to maintain the excellence of the system of common law where parties charged with felonies are entitled the privilege of a hearing before a grand jury, and not proceeded to charge offenses without ever knowing who has maligned them. This system was the great one that stood between a man and justice, a glorious principle in law. Abolitionism was not infamous, though John Brown on the scaffold shed a glory on that principle over this world. Here in the District of Columbia law made crime so infamous that it debared the criminal from afterward engaging in the privileges of a citizen. He could not sit in the jury-box or enjoy the right of suffrage.

Wherever the punishment was to be imposed a citizen the proceeding could not come by information, but

By Indictment and Due Process of Law. He cited the law of this District showing that a man could not enjoy special rights if convicted of a crime involving moral turpitude, and maintained that any man so convicted became infamous. If his client had done what was charged, then he became infamous. He lost his sovereignty as a citizen and was an outlaw.

The only question left was whether the Court would uphold the practice of 190 years, or say to all persons charged with an offense of any gravity they must go before the grand jury. He said that the process of permitting proceedings by information was infamous, and the

Count Permitted Such Practice Ought to be Impeded. His client, an old and well-known citizen of this community, had been branded through the instrumentality of this information as a felon. Here, if anywhere, the grand jury should be kept in existence. It should stand between the citizen and the Cabinet officer. Here if a man could be dragged down in shame and disgrace he should have the protection of the grand jury to see that he enjoyed those rights to which every citizen was entitled. Here, where his client had been branded by a Cabinet officer, hung up to public shame and pointed out as a robber, it was about time if there were any doubts to resolve in his favor. If the Court and any doubt as to its jurisdiction, it should stop. If it had any doubt as to the legality of the information it should stop. He maintained that there was not a count good in the information, and it was thousands of times better to submit these cases to the grand jury, and let them examine and say whether or not these men should be tried, and if such was the opinion of the Court, then he insisted that this section should stand.

The speaker finished his argument five minutes past 12 o'clock, and the usual recess was taken.

After the Recess. When the court reconvened Mr. Jeff Chandler, of St. Louis, Mo., addressed the Court in behalf of the defendant. He said that after the able argument of Mr. Wilson, and the brilliant effort of Mr. Ingersoll, it left little to say; yet there were points which they had only lightly touched upon to which he would give some attention. He thought in the outset that this proceeding was wrong—without law—and if the parties were liable at all they should go before the grand jury; but he insisted that no criminal offense had been committed at all by the parties brought into court. He first addressed himself to the sub-division of section 5410, under which this provision is laid.

Mr. Chandler quoted Bishop at length on the question of conspiracy and pointed out, attached thereto, and then referred to the second sub-division of section 5410, under which it is provided:

"If two or more persons conspire to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to certain penalties."

He maintained that an indictment in this language of the statute manifestly would be a good one. The spirit of the section is not to multiply the rigors of the criminal law, but its effect is to ameliorate them, for it abolishes practically all conspiracies as they were known at common law. Proceeding further, he presented various authorities in defining a fraud and cheat, adding:

It will not be pretended that either party to this alleged conspiracy could be indicted singly for any act, or all the acts specified in the indictment, but that the law states greater duty of a public nature, but prescribes no punishment for its violation, the party violating it is not indictable under the statute."

The sovereignty of the English government, under which this country was born, was exercised in mass. The courts were not limited by constitutional restraint from defining crimes; but, on the contrary, inherited from their very source the power to define crimes, and to punish crime, but in a large measure to determine what was in itself criminal. In this country no such power exists in the courts.

All Legislative Authority is in the Congress. The judicial power only is in the courts; the power to interpret, but not to make law. The Constitution declares that in all criminal prosecutions the accused shall be informed of the nature and cause of the accusation against him. Under this requirement of the Constitution, an indictment for crime which is not specific in word and may be quashed.

Under the United States Statutes no act though within the mischief and reason of the statute can be punished under the statute, unless it also comes within the words of the statute. A charge of defrauding the United States, or an attempt "to defraud," is the charge of a conclusion from many facts, and not a charge of doing any particular acts. Therefore, if this statute is to be construed alone, it is too uncertain to be enforced as a criminal statute.

The Alleged Conspiracy in This Case does not contain the elements out of which a conspiracy can be constructed. All the acts complained of could have been done as well by Gen. Brady alone as with the others. The acts of Gen. Brady alone would constitute the crime. The acts of the others would not have been indictable. Statutes punishing vague conspiracies, as distinct offenses, are odious, and in many countries have been repealed.

The information is bad for the reason that the pretended offense described consists wholly in an alleged corrupt state of mind of